

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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THE OFFICE OF APPEALS AND DISPUTE RESOLUTION

October 23, 2008

In the Matter of EMC Corp.

OADR Docket No. WET-2008-014
DEP File No. 332-781
Westborough

FINAL DECISION

Petitioner/Applicant, EMC Corp., the Westborough Conservation Commission and the Department of Environmental Protection (Department") have filed the attached Settlement Agreement dated September 25, 2008 and a joint motion for its approval pursuant to 310 CMR 1.01(8)(c). These are the only remaining parties to this adjudicatory appeal proceeding. Three abutting landowners have voluntarily withdrawn their claims in this matter. The Department issues this Final Decision incorporating the Settlement Agreement and hereby approves such agreement pursuant to 310 CMR 1.01(8)(c), with the parties waiving whatever rights they may have to further administrative review before the Department as well as appeal to court of the claims at issue in this matter.

As requested by the Department and the other remaining parties in their joint motion, the Department's January 29, 2008 Superseding Order of Conditions, which denied the

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Petitioner/Applicant's request for approval of its notice of intent, DEP File No. 322-721 (the "Notice of Intent"), is hereby vacated. This adjudicatory proceeding is deemed dismissed pursuant to 310 CMR 1.01(8)(c). Pursuant to the terms of the Settlement Agreement, further proceedings will resume at the Westborough Conservation Commission with respect to the Petitioner/Applicant's Notice of Intent consistent with the terms of the approved Settlement Agreement. The provisions of 310 CMR 10.05(7) would apply to any future Order of Conditions issued by the Westborough Conservation Commission upon the conclusion of such proceedings.

*This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.*

Laurie Burt
Commissioner